

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

JUAN PEDRAZA,

Plaintiff,

23-CV-2596 (VF)

-against-

ORDER

MANHATTAN MONSTER INC. d/b/a
THE MONSTER BAR, SPUNK EVENTS INC.
d/b/a SPUNK INC., CHARLES RAYMOND RICE,
DANIEL TOBEY, and JOSE LUIS LEPE,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge

Attached to this Order are the following Court Exhibits:

- Exhibit D: The jury verdict.

SO ORDERED.

DATED: New York, New York
January 13, 2025



VALERIE FIGUEREDO
United States Magistrate Judge

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN PEDRAZA,

Plaintiff,

23-CV-2596 (VF)

-against-

MANHATTAN MONSTER INC. d/b/a
THE MONSTER BAR, SPUNK EVENTS INC.
d/b/a SPUNK INC., CHARLES RAYMOND RICE,
DANIEL TOBEY, and JOSE LUIS LEPE,

Defendants.

VALERIE FIGUEREDO, United States Magistrate Judge

PLEASE CHECK (✓) YOUR ANSWERS

All jurors must agree on the answers to all the questions.

I. Discrimination Based on Gender under Title VII

1. Do you find from a preponderance of the evidence that Manhattan Monster Inc.
created or maintained a severe or pervasive hostile work environment on the basis of Mr.
Pedraza's gender?

YES _____

NO X _____

II. Discrimination Based on Sexual Orientation under Title VII

1. Do you find from a preponderance of the evidence that Manhattan Monster Inc.
created or maintained a severe or pervasive hostile work environment on the basis of Mr.
Pedraza's perceived sexual orientation?

YES _____

NO X _____

III. Discrimination Based on Gender under NYCHRL

1. Do you find from a preponderance of the evidence that Manhattan Monster Inc. created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's gender?

YES _____ NO ☒

2. Do you find from a preponderance of the evidence that Spunk Events Inc. created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's gender?

YES _____ NO ☒

3. Do you find from a preponderance of the evidence that Charles Raymond Rice created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's gender?

YES _____ NO ☒

4. Do you find from a preponderance of the evidence that Daniel Tobey created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's gender?

YES _____ NO ☒

5. Do you find from a preponderance of the evidence that Jose Luis Lepe created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's gender?

YES _____ NO ☒

IV. Discrimination Based on Sexual Orientation under NYCHRL

1. Do you find from a preponderance of the evidence that Manhattan Monster Inc. created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's perceived sexual orientation?

YES _____ NO ☒

2. Do you find from a preponderance of the evidence that Spunk Events Inc. created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's perceived sexual orientation?

YES _____ NO ☒

3. Do you find from a preponderance of the evidence that Charles Raymond Rice created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's perceived sexual orientation?

YES _____ NO ☒

4. Do you find from a preponderance of the evidence that Daniel Tobey created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's perceived sexual orientation?

YES _____ NO ☒

5. Do you find from a preponderance of the evidence that Jose Luis Lepe created or maintained a hostile work environment that amounts to more than petty slights or trivial inconveniences on the basis of Mr. Pedraza's perceived sexual orientation?

YES _____ NO ☒

V. Retaliation under Title VII of the Civil Rights Act of 1964

1. Has Mr. Pedraza proved, by a preponderance of the evidence, that Manhattan Monster Inc. subjected him to a retaliatory adverse employment action in the form of constructive discharge based on his protected activity in violation of Title VII?

YES _____ NO ☒

VI. Retaliation under NYCHRL

1. Has Mr. Pedraza proved, by a preponderance of the evidence, that he was subjected to retaliatory adverse employment action in the form of constructive discharge based on his protected activity in violation of NYCHRL?

a) By Manhattan Monster Inc.?

YES _____ NO ☒

b) By Charles Raymond Rice? [*You may only answer YES to this question if you answered YES to Question No. VI (1)(a) above*]

YES _____ NO ☒

c) By Daniel Tobey? [*You may only answer YES to this question if you answered YES to Question No. VI (1)(a) above*]

YES _____ NO ☒

d) By Jose Luis Lepe? [*You may only answer YES to this question if you answered YES to Question No. VI (1)(a) above*]

YES _____ NO ☒

VII. Damages

The following questions need only be answered if you answered YES to one or more of the prior

questions.

1. Has Mr. Pedraza proven, by a preponderance of the evidence, that he is entitled to back pay, as a result of the Defendants' discrimination against him and/or retaliatory constructive discharge of his employment?

YES _____ NO _____

2. If you answered "YES" to Question VII (1), state below the amount that is to be awarded in back pay. If you answered "NO" to Question VII (1), proceed to Question VII (3).

\$ _____

3. If you answered "YES" to any Questions in Parts V through VI, do you find that Mr. Pedraza has proven, by a preponderance of the evidence, that he is entitled to front pay as a result of the discrimination against him and/or retaliatory constructive discharge of his employment?

YES _____ NO _____

4. If you answered "YES" to Question VII (3), state below the amount that is to be awarded in front pay. If you answered "NO" to Question VII (3), proceed to Question VII (5).

\$ _____

5. Do you find that Mr. Pedraza has proven, by a preponderance of evidence, that he is entitled to compensatory damages for pain, suffering or emotional distress that he experienced as a result of the discrimination against him and/or retaliatory constructive discharge of his employment?

YES _____ NO _____

6. If you answered "YES" to Question VII (5), state below the amount that is to be awarded in compensatory damages for pain, suffering, or emotional distress. If you answered "NO" to Question VII (5), proceed to Question VII (7).

\$ _____

7. If you answered "YES" to any Questions in Parts I through VI, do you find that Defendant, Manhattan Monster Inc., should be subject to punitive damages?

YES _____ NO _____

8. If you answered "YES" to Question VII (7), state below the amount of punitive damages, if any, that you award to Plaintiff:

\$ _____

9. If you answered "YES" to any Questions in Parts I through VI, do you find that Defendant, Spunk Events Inc., should be subject to punitive damages?

YES _____ NO _____

10. If you answered "YES" to Question VII (9), state below the amount of punitive damages, if any, that you award to Plaintiff:

\$ _____

11. If you answered "YES" to any Questions in Parts I through VI, do you find that Defendant, Charles Raymond Rice, should be subject to punitive damages?

YES _____ NO _____

12. If you answered "YES" to Question VII (11), state below the amount of punitive damages, if any, that you award to Plaintiff:

\$ _____

13. If you answered "YES" to any Questions in Parts I through VI, do you find that Defendant, Daniel Tobey, should be subject to punitive damages?

YES _____ NO _____

14. If you answered "YES" to Question VII (13), state below the amount of punitive damages, if any, that you award to Plaintiff:

\$ _____

15. If you answered "YES" to any Questions in Parts I through VI, do you find that Defendant, Jose Luis Lepe, should be subject to punitive damages?

YES _____ NO _____

16. If you answered "YES" to Question VII (15), state below the amount of punitive damages, if any, that you award to Plaintiff:

\$ _____

Please have the foreperson sign and date this Verdict Form and advise the Court by note that you have reached a verdict.

Dated: New York, New York

11 to 10, 2024

JANICE ERSKINE

Jury Foreperson